

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re United States Patent Application of:)	Docket No.:	021069-000003
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Applicant:)	Examiner:	Kevin Kai Hill
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Application No.:)	Confirmation No.:	7391
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Filing Date:)	Art Unit:	1614
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Title:)	Customer No.:	24239
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**RESPONSE TO JULY 13, 2009 IMPOSED RESTRICTION REQUIREMENT IN U.S.
PATENT APPLICATION NO. 10/593,355**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

In the Office Action dated July 13, 2009, a restriction requirement was imposed under 35 U.S.C. §121 against claims , 2, 6-10, 13, 15, 16, 20-24, 26-28, 37-44, 50, 52-65, 67-71, 73 and 75-81 and an election was required between one of the following groups:

Group I, includes claims 1-2, 6-10, 13, 15, 16, 20-24, 26-28, 37-44, 50, 52-53, 55-59, 75-79 and 81 drawn to a method of delivering an active agent to a reservoir cell of a mammal; and

Group II, includes claims 60-65, 67-71, 73 and 80, drawn to a targeting system for an active agent to a reservoir cell.

The Office concludes that the requirement for restriction is proper because the inventions are distinct and have acquired a separate status in the art.

Applicants believe there would be a great economy of cost and effort on the part of the Office, and certainly to the applicants, if the closely related subject matter of the pending claims were examined together in this one application. Applicants further maintain that the proposed different groups of claims do not possess sufficient differences to warrant issuance of separate patents.

In the event the requirement is adhered to, applicants provisionally elect with traverse, the invention of Group I, for further examination on the merits.

The Office further imposed an Election of Species under 35 USC §121 and requested that in the event applicants elect Group I then specific species must be chosen from the following group for further prosecution, in the event the generic claim is found unpatentable, including:

Active agents: lectins Claims readable on this species include claims 1, 10, 15, 16, 26, 28, 50, 52, 53, 56, 57, 58, 59, 75-76, 78, 81

Targeting Ligand: fucose Claims readable on this species include claims 1, 28, 37, 41, 42, 43, 44, 52, 55, 75, 76, 77 and 81

Infectious agent: Virus Claims readable on this species include claims 1, 6, 27, 28, 37, 52, 75, 76, and 81

Reservoir cell: dendritic cell Claims readable on this species include claims 1, 28, 38, 39, 52, 75, and 81.

Applicants reserve the right to file divisional applications on all subject matter not prosecuted during the prosecution of the present application.

Petition and Fees Payable

Applicants petition herein for a three-month extension extending the deadline for a response from August 13, 2009 to November 13, 2009 resulting in a fee of \$555.00. The U.S. Patent and Trademark Office is hereby authorized to charge this fee and any additional fees found necessary for entry of this amendment to Deposit Account No. 13-4365 of Moore & Van Allen, PLLC.

Respectfully submitted,

/mariannefuierer/

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